IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMPANY APPLICATION NO.(L) 37 OF 2005
IN
COMPANY PETITION NO.432 OF 1994

In the matter of Company Act, 1956;

And

In the matter of M/s.Poddar Soya Products Ltd.(in Liquidation)

Mr.Shivlal Chaturvedi .. Applicant

Ms.Sheetal Shenoy for the applicant

Mr.S.C.Gupta, Official Liquidator present

CORAM: S.U.KAMDAR, J
DATE : 25TH FEBRUARY 2005

P.C.:

1. The present Company Application (L) No.37 of 2005 is moved by the applicant for considering the case of the applicant and for release of payment of Rs.11,76,000/-. The applicant claims to be the employee of the company in liquidation and claims that in the month of July 1994 the applicant rejoined the company but no formal letter of appointment or conformation was handed over. He is claiming that his salary was fixed at Rs.12,000/- and accordingly he is moving the present proceedings.

2. It is an admitted position that on 03.09.2004, the Official Liquidator has refused the claim of the applicant in view of the fact that the applicant failed to submit any documentary evidence in support of his claim. On 24.9.2004, applicant has made a fresh claim to the Official Liquidator seeking reversal of his decision. By letter dated 08.10.2004 the Official Liquidator once again rejected the contention of the applicant stating that no documentary evidence is produced. Being aggrieved by the said decision, the present applicant is filed by the applicant.

3. In support of the present application the salary certificate dated 10.05.1996 has been produced of the company in liquidation purportedly claiming that the applicant drew remuneration from April 1995 to August 1995 of Rs.60,000/- and tax of Rs.1500/- was deducted.

4. On the aforesaid basis the application is made and it is contended that the applicant should be paid the claim of Rs.11,76,000/-. I do not find

any substance in the contention of the applicant because there is no documentary evidence of any nature whatsoever save and except so called certificate dated 10.05.1996. Even the said certificate has been now purportedly sought to be produced along with the affidavit dated 11.01.2005. In view of the aforesaid facts that the applicant have failed to produce any documentary evidence to show that he was an employee and was in fact reemployed in 1994 for the salary of Rs.12,000/- per month, it is not possible to accept the contention of the learned counsel of the applicant. In view thereof application is rejected and the same is dismissed accordingly.